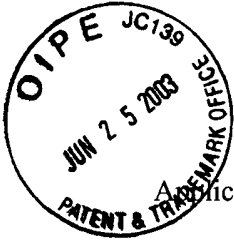


1651



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vincent Fischetti et al.

Appl. No.: 10/067,979

Group Art Unit: 1651

Filing Date: February 8, 2002

Examiner: Prats, Francisco Chandler

Title: Therapeutic Treatment of Upper Respiratory Infections

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

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Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO/SB/08A is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56 and §1.97. A copy of each of the listed documents is being submitted to comply with the provisions of 37 C.F.R. §1.97-1.99.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action that would be appropriate to antedate or otherwise remove as a competent reference any document that is determined to be a *prima facie* prior art reference against the claims of the present application.

The instant Information Disclosure Statement is being filed in compliance with 37 CFR §1.97(b) prior to the mailing date of the first official action, therefore, no fee is required in connection with its filing. However, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

U.S. Serial No.: 10/067,979

In re Vincent Fischetti et al.

Attached as Appendix A is a list of all patents and applications filed by the present inventive entity relating to phage associated lytic enzymes and their uses. The listed U.S. patents are cited in the attached form SB/08A.

Attached herewith as Appendices 1-6 are copies of International Search Reports received in PCT applications corresponding to applications listed in Appendix A. For the Examiner's convenience, the cover sheet and claims for each of the PCT applications are also provided.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

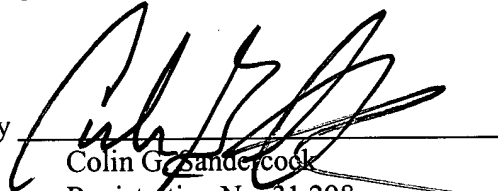
Respectfully submitted,

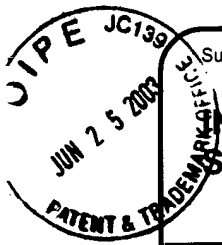
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By


Colin G. Sandercock
Registration No. 31,298



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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1 of 11

Complete if Known

Application Number	10/067,979
Filing Date	2/8/02
First Named Inventor	Vincent Fischetti
Group Art Unit	1651
Examiner Name	PRATS, FRANCISCO CHANDLER
Attorney Docket Number	

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US- 6056954	05/02/00	Fischetti, et al.	
	2	US- 5997862	12/07/99	Fischetti, et al.	
	3	US- 5985271	11/16/99	Fischetti, et al.	
	4	US- 5688501	11/18/97	Merril, et al.	
	5	US- 4742981	05/10/88	Converse	
	6	US- 2019789	11/05/35	Mahannah	
	7	US- 2763931	09/25/56	McMillan	
	8	US- 5479732	01/02/96	Burtch, et al.	
	9	US- 3465445	09/09/69	Fisher	
	10	US- 2315260	03/30/43	Lancaster	
	11	US- 5604109	02/18/97	Fischetti, et al.	
	12	US- 5260292	11/09/93	Robinson, et al.	
	13	US- 4957686	09/18/90	Norris	
	14	US- 6017528	01/25/00	Fischetti, et al.	
	15	US- 6132970	10/17/00	Stemmer	
	16	US- 3852424	12/03/74	Gaeumann, et al.	
	17	US- 6264945	07/24/01	Fischetti, et al.	
	18	US- 6254866	07/03/01	Fischetti, et al.	
	19	US- 6248324	06/19/01	Fischetti, et al.	
	20	US- 6238661	05/29/01	Fischetti, et al.	

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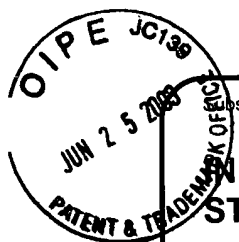
Examiner Initials *	Cite No. ¹	Foreign Patent Document Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	21	EP-0510907 A 2	10/28/92	Agricultural & Food Res.		
	22	WO-9702351	01/23/97	CIBA Geigy AG, et al.		
	23	WO-9607329	03/14/96	Univ. Maryland		
	24	WO-9904809	02/04/99	Ambi, Inc.		
	25	FR-2357246	02/03/78	Martinez		
	26	WO-9531562	11/23/95	Quest International B.V.		
	27	EP-587541 A1	03/16/94	Tecnogen ScpA		

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		Number - Kind Code ² (if known)			
	28	US- 6056955	05/02/00	Fischetti, et al.	
	29	US- 5882631	03/16/99	Suga, et al.	
	30	US- 5741487	04/21/98	Asai, et al.	
	31	US- 6113887	09/05/00	Mori, et al.	
	32	US- 4122158	10/24/78	Schmitt	
	33	US- 3983209	09/28/76	Schmitt	
	34	US- 4885163	12/05/89	Shaar, et al.	
	35	US- 6177554	01/23/01	Woo, et al.	
	36	US- 6187757	02/13/01	Clackson, et al.	
	37	US- 5162226	11/10/92	Beachey, et al.	
	38	US- 6335012	01/01/02	Fischetti, et al.	
	39	US- 6326002	12/04/01	Fischetti, et al.	
	40	US- 6277399	08/21/01	Fischetti, et al.	
	41	US- 4062941	12/13/77	Davies	
	42	US- 5571667	11/05/96	Chu, et al.	
	43	US- 5514602	05/07/96	Brooks Jr, et al.	
	44	US- 5500350	03/19/96	Baker, et al.	
	45	US- 5384265	01/24/95	Kidwell, et al.	
	46	US- 4361537	11/30/82	Deutsch, et al.	
	47	US- 5120643	06/09/92	Ching, et al.	

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		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	48	WO-9323544	11/25/93	The University Court of the University of Glasgow		
	49	EP-0293249 A1	11/30/88	Amrad Corporation Limited		
	50	EP-0646646 A2	04/05/95	Bristol-Myers Squibb Company		
	51	EP-0359873 A1	03/28/90	The Public Health Research Inst. of the City of New York		

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Application Number	10/067,979
Filing Date	2/8/02
First Named Inventor	Vincent Fischetti
Group Art Unit	1651
Examiner Name	PRATS, FRANCISCO CHANDLER
Attorney Docket Number	

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		Number - Kind Code ² (if known)			
	52	US-4948726	08/14/90	Longoria	
	53	US- 4459361	07/10/84	Gefter	
	54	US- 4552839	11/12/85	Gould, et al.	
	55	US- 4313734	02/02/82	Leuving	
	56	US- 4847199	07/11/89	Snyder, et al.	
	57	US- 4497900	02/05/85	Abram, et al.	
	58	US- 4707543	11/17/87	Zollinger, et al.	
	59	US- 5763251	06/09/98	Gasson	
	60	US- 6159688	12/12/00	Borchert, et al.	
	61	US- 4784948	11/15/88	Scott, et al.	
	62	US- 5760026	06/02/98	Blackburn, et al.	
	63	US- 5602040	02/11/97	May, et al.	
	64	US- 4521252	06/04/85	Miyake, et al.	
	65	US- 4355022	10/19/82	Rabussay	
	66	US- 4115546	09/19/78	Vidra, et al.	
	67	US- 4116327	09/26/78	Eglinton, et al.	
	68	US- 3929994	12/30/75	Hirsch, et al.	
	69	US- 6083684	07/04/00	Gasson	
	70	US- 5360617	11/01/94	Gasson	
	71	US- 5079174	01/07/92	Buck, et al.	

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Application Number	10/067,979
Filing Date	2/8/02
First Named Inventor	Vincent Fischetti
Group Art Unit	1651
Examiner Name	PRATS, FRANCISCO CHANDLER
Attorney Docket Number	

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Application Number	10/067,979
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First Named Inventor	Vincent Fischetti
Group Art Unit	1651
Examiner Name	PRATS, FRANCISCO CHANDLER
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	82	KH Nasibulini et al; RU-2103991; Composition for treating streptococcal diseases - comprises purified concentrate of streptococcal bacteriophage, solution of quinosol, dry lanolin, albumin and vegetable oil; XP-002141110	
	83	LD Demidova et al; RU2064299; Cattle mastitis therapeutic preparation - comprises lyso: amidase of specific lytic activity and mono- and di-basic sodium phosphate(s); XP-002141111	

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Application Number	10/067,979
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First Named Inventor	Vincent Fischetti
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Examiner Name	PRATS, FRANCISCO CHANDLER
Attorney Docket Number	

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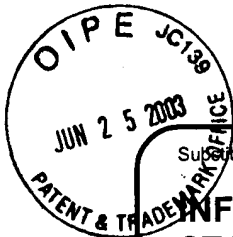
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	84	BABENKO et al. Enzymatic lysis of staphylococci in relation to their species and strain properties, 1990, Database Medline Online, US National Library of Medicine, Bethesda, MD, US, Database Accession No. 90297672 XP002170795, abstract only	
	85	BARTELL, et al., Origin of polysaccharide depolymerase associated with bacteriophage infection, Journal of Virology, March 1969, pp. 290-296, Vol. 3, No. 3	
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	87	BESSEN, et al., Chemical characterization of binding properties of opacity-associated protein II from Neisseria gonorrhoeae, Infection and Immunity, January 1987, pp. 141-147, Vol. 55, No. 1	
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	94	DIAZ, et al., Chimeric phage-bacterial enzymes: a clue to the modular evolution of genes, Proc. Natl. Acad. Sci. USA, October 1990, pp. 8125-8129, Vol. 87	

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Sheet 7 of 11

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Application Number	10/067,979
Filing Date	2/8/02
First Named Inventor	Vincent Fischetti
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	95	DIAZ, et al., Chimeric pneumococcal cell wall lytic enzymes reveal important physiological and evolutionary traits, Journal of Biological Chemistry, March 25, 1991, pp. 5464-5471, Vol. 266, No. 9	
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Sheet 8 of 11

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Application Number	10/067,979
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First Named Inventor	Vincent Fischetti
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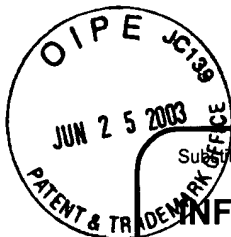
OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	106	HAYASHIDA, et al., Further characterization of PL-1 phage associated N-acetylmuramidase of Lactobacillus casei, Journal of General Microbiology, May 1987, pp. 1343-1349, Vol. 133, No. 5	
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	108	HUAN, et al., Methicillin-resistant staphylococcus aureus infection and its treatment in burned patients, Chinese Journal of Surgery, 1994, Vol. 32, No. 4, abstract	
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	110	KOHLER, Systemic therapy with aerosols Aerosols in Medicine: Principles, Diagnosis and Therapy, 1993, Elsevier Science Publishers, pp. 303-319	
	111	LAWMAN, et al., Molecular cloning of the extracellular endodextranase of streptococcus salivarius, Journal of Bacteriology, December 1991, pp. 7423-7428, Vol. 173, No. 23	
	112	LOESSNER, et al., Evidence for a holin-like protein gene fully embedded out of frame in the endolysin gene of staphylococcus aureus bacteriophage 187, Journal of Bacteriology, August 1999, pp. 4452-4460, Vol. 181, No. 15	
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Sheet 9 of 11

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Application Number	10/067,979
Filing Date	2/8/02
First Named Inventor	Vincent Fischetti
Group Art Unit	1651
Examiner Name	PRATS, FRANCISCO CHANDLER
Attorney Docket Number	

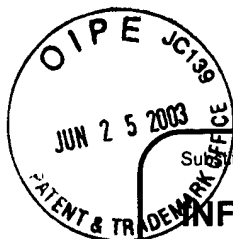
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Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
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Sheet 10 of 11

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Application Number	10/067,979
Filing Date	2/8/02
First Named Inventor	Vincent Fischetti
Group Art Unit	1651
Examiner Name	PRATS, FRANCISCO
Attorney Docket Number	

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Sheet	11	of	11
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Application Number	10/067,979
Filing Date	2/8/02
First Named Inventor	Vincent Fischetti
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Attorney Docket Number	

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	133	US-5605793	02/25/97	Stemmer	
	134	US- 6355477	03/12/02	Fischetti et al	
	135	US- 6331405	12/18/01	Rambukkana et al	
	136	US- 6190659	02/20/01	Pancholi et al	
	137	US- 5985654	11/16/99	Fischetti et al	
	138	US- 5842314	11/24/98	Scott et al	
	139	US- 5910441	06/08/99	Rocha et al	
	140	US- 5786205	07/28/98	Fischetti et al	
	141	US- 5976792	11/02/99	Cheung et al	
	142	US- 5821088	10/13/98	Darzins et al	
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	145	US- 5707822	01/13/98	Fischetti et al	
	146	US- 5616686	04/01/97	Fischetti et al	
	147	US- 5604109	02/18/97	Fischetti et al	
	148	US- 5587288	12/24/96	Cheung et al	
	149	US- 5556944	09/17/96	Fischetti et al	
	150	US- 5352588	10/04/94	Fischetti et al	
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	152	US- 4784948	11/15/88	Scott et al	

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Appendix A

Serial No.	Filing Date	Patent N .	Issue Date
07/621,716	June 18, 1984	4,784,948	November 15, 1988
09/257,025	February 25, 1999	6,017,528	January 25, 2000
09/257,026	February 25, 1999	5,985,271	November 16, 1999
09/333,538	June 15, 1999		
09/395,636	September 14, 1999	6,056,954	May 2, 2000
09/395,637	September 14, 1999	6,056,955	May 2, 2000
09/482,992	January 14, 2000	6,264,945	July 24, 2001
09/497,495	April 18, 2000	6,238,661	May 29, 2001
09/560,650	April 28, 2000		
09/653,690	September 1, 2000	6,254,866	July 3, 2001
09/654,482	September 1, 2000	6,399,097	June 4, 2002
09/654,483	September 1, 2000	6,423,299	July 23, 2002
09/654,484	September 1, 2000		
09/671,878	September 28, 2000	6,432,444	August 13, 2002
09/671,879	September 28, 2000	6,248,324	June 19, 2001
09/671,880	September 28, 2000	6,406,692	June 18, 2002
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09/703,164	November 2, 2000		
09/703,582	November 2, 2000		
09/703,583	November 2, 2000		
09/703,584	November 2, 2000		
09/703,585	November 2, 2000		
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09/703,588	November 2, 2000		
09/703,595	November 2, 2000		
09/703,656	November 2, 2000		
09/703,685	November 2, 2000		

Appendix A

Serial No.	Filing Date	Patent N .	Issue Dat
09/703,686	November 2, 2000		
09/703,739	November 2, 2000		
09/703,740	November 2, 2000		
09/704,148	November 2, 2000		
09/704,149	November 2, 2000		
09/752,731	January 3, 2001		
09/844,435	April 30, 2001		
09/846,688	May 2, 2001		
09/866,106	May 25, 2001		
09/908,737	July 19, 2001		
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10/012,032	December 11, 2001		
10/067,979	February 8, 2002		
10/067,991	February 8, 2002		
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10/083,462	February 27, 2002		
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10/135,825	May 1, 2002		
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10/145,604	May 14, 2002		
10/176,375	June 21, 2002		
10/176,376	June 21, 2002		
10/176,403	June 21, 2002		
10/176,405	June 21, 2002		
10/219,250	August 16, 2002		

Appendix A

Serial No.	Filing Date	Patent No.	Issue Date
10/219,251	August 16, 2002		
10/252,031	September 23, 2002		
60/324,089	September 24, 2001		
60/380,875	May 17, 2002		